## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,	0.4000004	
	Plaintiff,	8:16CR291	
	vs.	DETENTION ORDER	
JO	SEPH CLAYPOOL,		
	Defendant.		
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 7, 2016, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>		
C.	contained in the Pretrial Services Repor  X (1) Nature and circumstances of  X (a) The crime: the methamphetamine (C carries a minimum s maximum of forty year  (b) The offense is a crime (c) The offense involves a control of the co	the offense charged: possession with intent to distribute ount I) in violation of 21 U.S.C. § 841(a)(1) entence of five years imprisonment and a rs imprisonment. e of violence.	
	may affect wh The defendar X The defendar The defendar The defendar ties. Past conduct X The defendar The defendar The defendar The defendar The defendar The defendar Court proceed	nt appears to have a mental condition which mether the defendant will appear. In that has no family ties in the area. In that has no steady employment. In that has no substantial financial resources. In the does not have any significant community of the defendant:  In that a history relating to drug abuse. In that a history relating to alcohol abuse. In that a significant prior criminal record. In that a prior record of failure to appear at	

## **DETENTION ORDER - Page 2**

	(c)	Release pending trial, sentence, appeal or completion of sentence.  Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
<u>X</u>		ature and seriousness of the danger posed by the defendant's
	releas defend	e are as follows: The nature of the charges in the Indictment and the dant's criminal and substance abuse history.
X		table Presumptions
		ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	which	the Court finds the defendant has not rebutted:
	<u>X</u> (a)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves: (1) A crime of violence; or
		(2) An offense for which the maximum penalty is life
		imprisonment or death; or X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which
		is less than five years old and which was committed while the defendant was on pretrial release.
	X (b)	That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable
		cause to believe:
		<ul> <li>X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of</li> </ul>
		10 years or more.
		(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

## **DETENTION ORDER - Page 3**

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 7, 2016. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge